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Attorneys for Plaintiffs STEPHAN SHAY AND NATHAN SHAY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

STEPHAN SHAY, an individual, and
NATHAN SHAY, an individual,

Plaintiffs

vs.

CITY OF HUNTINGTON BEACH, a
public entity, OFFICER BRANDON D.
ROCKETT #422090, as an individual
and a peace officer, OFFICER DANIEL
M. SUBIA #421221, as an individual
and a peace officer and DOES 1
through 10 inclusive.

Defendants.

} Case No.: 8:17-CV-744 AG (JCGx)

} **PLAINTIFFS' CONDITIONAL NON-
OPPOSITION TO DEFENDANTS'
MOTION IN LIMINE NO. 4 TO
EXCLUDE PLAINTIFFS' POLICE
PRACTICES EXPERT RICHARD
BRYCE**

} **Pre-Trial Conference:**

} Date: October 22, 2018

} Time: 8:30 a.m.

} Place: Courtroom 10D

} **Trial:**

} Date: November 6, 2018

} Time: 9:00 a.m.

} Place: Courtroom 10D

**TO THE HONORABLE COURT, DEFENDANTS AND THEIR
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that PLAINTIFFS STEPHAN SHAY (hereinafter, “Stephan”) and NATHAN SHAY (hereinafter, “Nathan”) (hereinafter “Plaintiffs”)) will and hereby submit the following conditional non-opposition to Defendants’ Motion in Limine No. 4 to exclude Plaintiffs’ police practices expert Richard Bryce.

Dated: October 15, 2018

IVIE, McNEILL & WYATT

By: /s/ Tiffany Rollins
RODNEY S. DIGGS
TIFFANY ROLLINS
Attorneys for Plaintiffs
STEPHAN SHAY and
NATHAN SHAY

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION/ ARGUMENT

This is a 42 U.S.C. § 1983 case regarding the use of force and unlawful arrest by Huntington Beach Officers Brandon Rockett (hereinafter “Officer Rockett”) and Daniel Subia (hereinafter “Officer Subia”) (hereinafter, “Defendant Officers,” collectively) against Stephan Shay (hereinafter, “Stephan”) and Nathan Shay (hereinafter, “Nathan”) (hereinafter “Plaintiffs”).

To the extent that Defendants are not seeking to exclude Plaintiffs’ police practices expert Richard Bryce in general, but rather on the basis that his offered opinions relate solely to Plaintiffs’ excessive force claims, Plaintiffs’ reserve the right to file an opposition to this motion in limine pending the results of Plaintiffs’ motion for reconsideration of the Court’s ruling on Defendants’ summary judgment motion.

Dated: October 15, 2018

IVIE, McNEILL & WYATT

By: /s/ Tiffany Rollins

RODNEY S. DIGGS

TIFFANY ROLLINS

Attorneys for Plaintiffs

STEPHAN SHAY and

NATHAN SHAY